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SAID MIR BAHRAMI

v.

PENGARAH PENJARA SUNGAI BULOH, SELANGOR

B

FEDERAL COURT, PUTRAJAYA
RAUS SHARIF PCA
ZULKEFLI MAKINUDIN CJ (MALAYA)
HASHIM YUSOFF FCJ
AHMAD MAAROP FCJ
C SULONG MATJERAIE FCJ
[CRIMINAL APPEAL NO: 05-68-05-2012(W)]
18 JANUARY 2013

CRIMINAL PROCEDURE: *Extradition - Order for committal to*
D *prison pending extradition - Order for extradition by Minister - Validity - Whether law on extradition proceedings draconian - Whether depriving fugitive criminal of fundamental right to fair trial - Identification of fugitive criminal - Identification by way of photo board - Whether sufficient - Extradition Act 1992, s. 20(1)*

E ***EVIDENCE:*** *Identification evidence - Accused of, - Identification by way of photo board - Whether sufficient*

The appellant, a citizen of Afghanistan, was wanted by the Australian Government to face prosecution in Australia for the
F offences under the Australian Migration Act 1958. Following his arrest by the Malaysian Police, an application for the appellant's extradition was made by the prosecution in the Sessions Court. The application was allowed and the appellant was thence committed to prison pending an extradition order by the Minister
G pursuant to s. 20(1) of the Extradition Act 1992 ('the Extradition Act') and article 4(6) of the relevant extradition treaty between the Governments of Malaysia and Australia ('the Treaty'). The appellant argued that his arrest and detention was unlawful, and in the circumstances applied to the High Court for a writ of *habeas*
H *corpus* for his eventual release from prison. The application was dismissed by the learned High Court judge and the appellant appealed. Before the Federal Court, the appellant essentially argued that s. 20 of the Extradition Act and art. 4(6) of the Treaty, by dispensing with *prima facie* proof, were draconian in
I nature and had actually deprived him of his fundamental right to a fair trial. It was further submitted that the prosecution and the Government of Australia had both failed to properly and

adequately prove his identity, as proof by way of a photo board, which they had preferred in the present case, was weak and primitive and ought to be rejected by the court.

Held (dismissing appeal)
Per Raus Sharif PCA delivering the judgment of the court:

(1) There was no merit in the contention that s. 20 of the Extradition Act and art. 4(6) of the Treaty were draconian provisions which had deprived the appellant of his fundamental right to a fair trial. An extradition proceeding is in the nature of a committal proceeding to determine whether the evidence adduced is sufficient to commit the appellant for the purpose of extradition – and not a trial to determine the guilt of the appellant. As was said in *Kindler v. Canada (Ministry of Justice)* 'extradition proceeding is founded on concepts of comity and reciprocity. It would undermine the effectiveness of the international treaty obligations if the courts were to superimpose directions based on local notions of fairness upon the ordinary rules of admissibility'. (paras 15 & 17)

(2) While s. 20 of the Extradition Act may not have the usual safeguard as that of a trial, and may appear "draconian", the question whether the provision is 'harsh or unjust' is a question of policy to be debated and decided in the Parliament and not for judicial determination (*Loh Kooi Choon v. Government of Malaysia*). Section 20 of the Extradition Act, in any case, has been drafted in a comprehensive way which enables both the prosecution and the defence to be heard fairly. It lays down the need for the prosecution to provide the supporting documents in relation to the request for extradition. It also stipulates the necessity for the Sessions Court Judge to be satisfied that the alleged act or omission of the fugitive criminal would if it had taken place in Malaysia constitute an offence under the laws of Malaysia, and further provides for the defence that could be raised by the fugitive criminal. It is therefore not true to say that there is no rule or procedure that needs to be followed in extradition. (paras 18 & 19)

(3) If there was anything unsatisfactory about the identification by photo board, it was a matter for the Sessions Court Judge to decide. It was for him to decide whether the photo board was sufficient to commit the appellant for trial in Australia. In the

present case, the High Court Judge was right in not interfering with the decision of the Sessions Court Judge and there was no reason for this court to disagree. (para 22)

Bahasa Malaysia *Translation Of Headnotes*

Perayu, seorang rakyat Afghanistan, dikehendaki oleh Kerajaan Australia bagi menghadapi dakwaan di Australia atas beberapa kesalahan di bawah Akta Imigresen Australia 1958. Ekoran penangkapan perayu oleh Polis Malaysia, suatu permohonan di Mahkamah Sesyen bagi mengektradisi perayu telah dibuat oleh pihak pendakwaan. Permohonan tersebut telah dibenarkan dan perayu dengan itu telah dikomit ke penjara sementara menunggu perintah ekstradisi oleh Menteri di bawah s. 20(1) Akta Ektradisi 1992 ('Akta Ekstradisi') dan perkara 4(6) kepada perjanjian ekstradisi yang dimeterai antara Kerajaan Malaysia dan Australia ('Perjanjian'). Perayu mendakwa bahawa penangkapan dan penahanannya adalah salah di sisi undang-undang dan berikutan itu telah memfailkan satu permohonan *habeas corpus* di Mahkamah Tinggi bagi pembebasannya dari penjara. Permohonan tersebut ditolak oleh yang arif hakim Mahkamah Tinggi dan perayu merayu. Di Mahkamah Persekutuan, perayu secara asasnya menghujahkan bahawa s. 20 Akta Ekstradisi dan fasal 4(6) Perjanjian, oleh sebab tidak menggunapakai pembuktian *prima facie*, adalah satu peruntukan yang amat keras dan telah sebenarnya menafikan hak keperlembagaannya untuk mendapatkan perbicaraan yang adil. Dihujahkan selanjutnya bahawa kedua-dua pihak pendakwaan dan Kerajaan Australia telah gagal membuktikan identitinya dan bahawa pembuktian melalui papan gambar, seperti yang dipilih oleh mereka dalam kes ini, adalah lemah dan primitif dan seharusnya ditolak oleh mahkamah.

Diputuskan (menolak rayuan)
Oleh Raus Sharif PMR menyampaikan penghakiman mahkamah:

(1) Tiada merit dalam hujahan bahawa s. 20 Akta Ekstradisi dan fasal 4(6) Perjanjian adalah peruntukan yang keras yang telah menafikan hak keperlembagaan perayu untuk mendapatkan perbicaraan yang adil. Prosiding ekstradisi adalah berbentuk prosiding komital bagi menentukan sama ada keterangan yang dikemukakan mencukupi untuk mengkomit perayu bagi maksud ekstradisi – dan bukannya suatu perbicaraan bagi menentukan

kebersalahan perayu. Seperti yang dinyatakan dalam *Kindler v. Canada (Ministry of Justice)* 'prosiding ekstradisi adalah berlandaskan konsep keihsananan dan timbal balik. Ia akan menjejaskan keberkesanan obligasi perjanjian antarabangsa jika mahkamah menindihkan arahan-arahan yang berasaskan konsep keadilan setempat ke atas kaedah-kaedah biasa penerimaan-masuk'.

(2) Walaupun s. 20 Akta Ekstradisi mungkin tidak mempunyai perlindungan-perlindungan yang biasa ada dalam sesuatu perbicaraan, persoalan sama ada peruntukan 'keras atau tidak adil' adalah persoalan polisi yang perlu dibahas dan diputuskan oleh Parlimen dan bukannya untuk pemutusan kehakiman (*Loh Kooi Choon v. Government of Malaysia*). Seksyen 20 Akta Ekstradisi, walau apapun, telah digubal secara komprehensif sekaligus membenarkan kedua-dua pendakwaan dan pembelaan dibicarakan dengan adil. Ia meletakkan asas keperluan bagi pendakwaan mengemukakan dokumen-dokumen sokongan berhubung dengan permohonan ekstradisi. Ia juga memperuntukkan keperluan bagi hakim Mahkamah Sesyen memuaskan hatinya bahawa perbuatan atau ketinggalan yang didakwa terhadap penjenayah pelarian tersebut, jika ia berlaku di Malaysia, akan melanggar undang-undang Malaysia, dan seterusnya memperuntukkan pembelaan-pembelaan yang boleh dibangkitkan oleh penjenayah pelarian terbabit. Oleh itu adalah tidak benar untuk mengatakan bahawa tiada kaedah atau prosedur yang perlu diikuti dalam ekstradisi.

(3) Jika wujud apa-apa yang tidak memuaskan mengenai identifikasi melalui papan gambar, ia adalah satu perkara yang perlu diputuskan oleh Hakim Mahkamah Sesyen. Beliaulah yang perlu memutuskan sama ada papan gambar tersebut memadai untuk mengkomit perayu untuk dibicarakan di Australia. Dalam kes semasa, Hakim Mahkamah Tinggi betul dalam tidak mengganggu keputusan Hakim Mahkamah Sesyen dan tiada alasan untuk mahkamah ini tidak bersetuju dengannya.

Case(s) referred to:

Chua Han Mow v. Superintendent of Pudu Prison [1979] 1 LNS 14 FC ***(refd)***

Kindler v. Canada (Minister of Justice) [1991] 84 DLR (4th) 438 ***(refd)***

Loh Kooi Choon v. Government of Malaysia [1975] 1 LNS 205 FC ***(refd)***

R v. Governor of Pentonville Prison, ex parte Voets [1986] 2 All ER 630 ***(refd)***

A **Legislation referred to:**
Extradition Act 1992, ss. 4, 13(1)(b), 16(1), 20(1)

Migration Act 1958 [Aust], ss. 233A, 233C

For the appellant - Karpal Singh; M/s Karpal Singh & Co
B *For the respondent - Noorin Badaruddin (Mohd Dusuki Mokhtar & Kamal Bahrin with her); SFCs*

[Appeal from High Court, Kuala Lumpur; Criminal Application No: 44-6-01-2012]

C *Reported by Wan Sharif Ahmad*

JUDGMENT

D **Raus Sharif PCA:**

Introduction

[1] This is an appeal by the appellant, a citizen of Afghanistan, against the decision of the High Court Kuala Lumpur dated
E 24 April 2012. The High Court had dismissed the appellant's application for a writ of *habeas corpus* and thus affirming the decision of the learned Sessions Court Judge in detaining the appellant at the Sungai Buloh Prison pending the issuance of an order by the Minister of Home Affairs ("Minister")
F for extradition to Australia under s. 20 of the Extradition Act 1992 (Act 479) ("the Extradition Act").

[2] On 15 August 2012, we heard and dismissed the appeal. We now give our reasons.

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Background Facts

[3] On 19 July 2011, the Government of Australia had sent a request for a provisional warrant of arrest to be issued against the appellant by the Malaysian Government. The request was made
H pursuant to article 8 of the Extradition Treaty between the Government of Malaysia and the Government of Australia. ("the Treaty"). The appellant is wanted by the Australian Government to face prosecution in the Court of Australia for the following offences:

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(a) two offences of organising or facilitating the bringing or coming to Australia of a group of five or more people, each of whom were non-citizens, who had no lawful right to come to Australia, contrary to s. 233C of the Australian Migration Act 1958 (Cth); and

(b) 23 offences of organising or facilitating the bringing or coming to Australia of another person, which person was a non-citizen who had no lawful right to come to Australia, contrary to s. 233A of the Australian Migration Act 1958 (Cth).

[4] On 1 August 2011, the Attorney General's Chambers of Malaysia ("the prosecution") applied to the Kuala Lumpur Magistrate's Court for a provisional warrant of arrest to be issued against the appellant pursuant to s. 13(1)(b) of the Extradition Act. The application was allowed and the provisional warrant of arrest was issued on the same date.

[5] The provisional warrant of arrest was then handed to the Royal Malaysia Police for execution. On 5 August 2011 at around 11.10am, the appellant was apprehended by Chief Inspector Anpanandan Joseph at Berjaya Times Square Hotel, Kuala Lumpur. The appellant was produced before the Kuala Lumpur Magistrate's Court pursuant to s. 16(1) of the Extradition Act at 3pm on the same day.

[6] The Magistrate issued an order for the appellant to be remanded at the Sungai Buloh Prison for a period of 60 days, ie, till 5 October 2011 which was subsequently extended on application by the prosecution.

[7] On 22 September 2011, a formal request was made by the Government of Australia for the extradition of the appellant.

[8] On 14 October 2011, the prosecution filed an application for extradition of the appellant before the Kuala Lumpur Sessions Court. The application was supported by an affidavit affirmed by Wan Ariff Muzammil bin Wan Mohamed, a Senior Federal Counsel of the Attorney General's Chambers. The affidavit exhibited a copy of the direction of the Minister under s. 4 of the Extradition Act which reads:

Direction Of The Minister Under Section 4 Of The Extradition Act 1992 [Act 479]

WHEREAS Article 4(6) of the Treaty between the Government of Malaysia and the Government of Australia on Extradition ("the said Treaty") dated 15 November 2005 which entered into force on 28 December 2006 provides that neither Party shall require, as a condition to extradition pursuant to the said Treaty, that the other Party prove a *prima facie* case against the person sought,

NOW THEREFORE, in the exercise of the powers conferred upon me by virtue of section 4 of the Extradition Act 1992 [Act 479], I Dato' Seri Hishammuddin bin Tun Hussein, the Minister of Home Affairs, do hereby direct that in accordance with Article 4(6) of the said Treaty, the *prima facie* requirement shall be dispensed with and the procedure specified in section 20 of the said Act shall apply in relation to the extradition request made to Malaysia by the Government of Australia for the fugitive criminal SAID MIR BAHRAMI (also known as MOHANDES, REGI, SAID AMIR, HAJI, ASADI and RAOUF).

Given under the hand and seal of the undersigned Minister this 5 day of October 2011.

(seal) -sgd-

Dato' Seri Hishamuddin bin Tun Hussein
Minister of Home Affairs

[9] On 29 December 2011, the Sessions Court Judge of Kuala Lumpur heard and allowed the application. The appellant was committed to Sungai Buloh Prison while waiting for the order by the Minister for the appellant to be extradited to Australia pursuant to s. 20(1) of the Extradition Act.

[10] Aggrieved, the appellant filed an application for a writ of *habeas corpus* in the High Court. He alleged that his arrest and detention at Sungai Buloh Prison was invalid and prayed that the order of the Sessions Court Judge dated 29 December 2011, to commit him to Sungai Buloh Prison to await the order by the Minister for his extradiction be quashed.

Issues And Findings

[11] Before us, En. Karpal Singh learned counsel for the appellant submitted that as well as article 4(6) of the said Treaty are draconian provisions because by dispensing the proof of *prima facie*, the appellant had been deprived of his fundamental right of a fair trial. He also submitted that the identity of the

appellant was still required to be strictly proved having regard to the rules of natural justice which ought to prevail over both s. 20 of the Extradition Act and article 4(6) of the Treaty.

[12] In order to appreciate learned counsel's argument, we produce s. 4 and s. 20 of the Extradition Act which reads:

Direction of the Minister to apply procedure in section 20

4. Where the binding arrangement which has been entered into between Malaysia and any country for the extradition of fugitive criminals contains a provision for the *prima facie* requirement to be dispensed with either generally or in relation to a class or classes of offences, the Minister may give a direction in writing that the procedure specified in section 20 shall apply to such cases.

Procedure before Sessions Court where a special direction has been given under section 4.

20. (1) Where a direction has been given by the Minister under section 4, the Sessions Court shall:

(a) after hearing any representation made in support of the extradition request;

(b) upon the production of supporting documents in relation to the offence;

(c) upon being satisfied that the alleged act or omission of the fugitive criminal would, if it had taken place in Malaysia, constitute an offence under the laws of Malaysia;

(d) if the fugitive criminal does not satisfy the court that there are substantial grounds for believing that:

(i) the offence is an offence of a political character, or that the proceedings are being taken with a view to try or punish him for an offence of a political character;

(ii) prosecution for the offence in respect of which his return is sought is barred by time in the country which seeks his return;

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(iii) the offence is an offence under military law which is not also an offence under the general criminal law;

(iv) the fugitive criminal has been acquitted or pardoned by a competent tribunal or authority in the country which seeks his return or in Malaysia;

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(v) the fugitive criminal has undergone the punishment provided by the law of the country which seeks his return or of Malaysia in respect of the extradition offence or any other offence constituted by the same conduct as that which constitutes the extradition offence;

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(e) upon being satisfied that the fugitive is not accused of an offence, nor undergoing a sentence in respect of an offence, in Malaysia, other than the extradition offence in respect of which his return is sought,

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commit the fugitive criminal to prison to await the order by the Minister for his surrender.

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(2) In the proceedings before the Sessions Court under subsection (1) the fugitive criminal is not entitled to adduce, and the Court is not entitled to receive, evidence to contradict the allegation that the fugitive criminal has done or omitted to do the act which constitutes the extradition offence for which his return is sought.

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(3) In this section, "supporting documents" means:

(a) any duly authenticated warrant for the arrest of the fugitive criminal issued by the country which seeks his return or any duly authenticated copy of such warrant;

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(b) any duly authenticated document to provide evidence of the fugitive criminal's conviction or sentence or the extent to which a sentence imposed has not been carried out;

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(c) a statement in writing setting out a description of, and the penalty applicable in respect of, the offence and a duly authenticated statement in writing setting out the conduct constituting the offence.

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[13] We also now produced article 4 of the Treaty which provides the following:

Extradition Procedures And Supporting Documents

1. A request of extradition shall be made in writing and sent through the diplomatic channel. A request from Australia to Malaysia shall be sent to the Minister charged with responsibility for fugitive criminals. A request from Malaysia to Australia shall be sent to the Attorney-General's Department. All documents submitted in support of a request for extradition shall be authenticated in accordance with Article 6. Three copies of the request and supporting documents shall also be provided. However the copies do not require authentication.

2. All requests shall be supported by:

   (a) the details necessary to establish the identity and nationality of the person sought including, when possible, photographs and fingerprints, and a statement of the current location of the person, if known;

   (b) a statement of each offence for which extradition is sought;

   (c) a statement of the acts and omissions which are alleged against the person in respect of each offence for which the extradition is sought;

   (d) the text of the laws creating each offence;

   (e) the text of the laws describing the penalty which may be imposed; and

   (f) a statement as to whether there is any limitation period in respect of proceedings or punishment.

3. If the person is accused of an offence the request for extradition shall be accompanied by a warrant for the arrest of the person, or a copy thereof.

4. If the person has been convicted of an offence and a sentence has been imposed, the request for extradition shall be accompanied by:

   (a) documents that provide evidence of the conviction; and

   (b) documents that provide evidence of the sentence imposed and the extent to which the sentence has not been carried out.

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5. If the person has been convicted of an offence and no sentence has been imposed, the request for extradition shall be accompanied by:

(a) documents that provide evidence of the conviction; and

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(b) a statement confirming that a sentence is to be imposed.

6. Neither Party shall require, as condition to extradition pursuant to this Treaty, that the other party prove a *prima facie* case against the person sought.

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[14] Under article 4(6) of the said Treaty there is a binding arrangement between Malaysia and Australia in dispensing the proof of *prima facie* case for the extradition of a fugitive criminal. With that arrangement, the Minister is empowered by s. 4 of the Extradition Act to give direction in

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writing (which the Minister did in this case) that the *prima facie* requirement shall be dispensed with and the procedure to be applied is s. 20 of the Extradition Act.

[15] The question is whether the above provisions are draconian

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in nature such as to deprive the appellant of his fundamental rights of a fair trial. With respect, we do not think so. This is because extradition proceeding is in the nature of a committal proceeding. It cannot be equated with a trial proper. A committal proceeding of this nature is not a trial to determine the guilt of the appellant

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but only to determine whether the evidence adduced is sufficient to commit the appellant for the purpose of extradition.

[16] In *Chua Han Mow v. Superintendent of Pudu Prison* [1979] 1 LNS 14; [1980] 1 MLJ 219, Raja Azlan Shah CJ (Malaya) (as His Majesty then was) speaking on the same subject said it in

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the following words:

> an extradition proceeding is in the nature of a committal proceeding and a committal proceeding is not a trial. As the sole function of the committing magistrate is to adjudicate upon the

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> question of whether there is a *prima facie* case against the accused, that is to say, whether there is such evidence that, if uncontradicted at the trial, a reasonable jury properly directed could convict upon it. Where there is a doubt as to the weight or quality of the evidence the committing magistrate should refrain from assessing it but instead commit the accused and leave the

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> duty of resolving the doubt to the trial court.

[17] No doubt the words *prima facie* was used, but reading the above paragraph as a whole, it means that the scope of exercising the discretion of admitting or rejecting the evidence by the committing Magistrate is limited. This is understandable as "extradition proceeding is founded on concepts of comity and reciprocity. It would undermine the effectiveness of the international treaty obligations if the courts were to superimpose directions based on local notions of fairness upon the ordinary rules of admissibility". (Per Supreme Court of Canada in *Kindler v. Canada (Minister of Justice)* [1991] 84 DLR (4th) 438, 488).

[18] But, it does not mean that there is no rule or procedure that needs to be followed in extradition. Section 20 of the Extradition Act has been drafted in a comprehensive way which enables both the prosecution as well as the defence to be heard fairly. It lays down the need for the prosecution to provide the supporting documents in relation to the request for extradition. Further it also stipulates the necessity for the Sessions Court Judge to be satisfied that the alleged act or omission of the fugitive criminal would if it had taken place in Malaysia constitute an offence under the laws of Malaysia. Notwithstanding this, s. 20 of the Extradition Act also provides for the defence that could be raised by the fugitive criminal in opposing the application for extradition.

[19] Section 20 of the Extradition Act may not have the usual safeguard as that of a trial, and it may appear to be harsh or "draconian" as described by learned counsel for the appellant, but it is a question of policy which had been debated and decided in Parliament. Speaking of "harsh or unjust law" we can do no better than to quote what was said by Raja Azlan Shah (as His Majesty then was) in *Loh Kooi Choon v. Government of Malaysia* [1975] 1 LNS 205; [1977] 2 MLJ 187:

> The question whether the impugned Act is "harsh and unjust" is a question of policy to be debated and decided in Parliament, and therefore not for judicial determination. To sustain it would cut very deeply into the very being of Parliament. Our courts ought not to enter this political thicket, even in such of worthwhile course as the fundamental rights guaranteed by the Constitution, for as was said by Lord Macnaghten in *Vacher & Sons Ltd v. London Society of Compositors* [1913] AC 107, 118. Some people may think the policy of the Act unwise and even dangerous to

A the community. Some may think it at variance with principles which have long been held sacred. But a judicial tribunal has nothing to do with the policy of any Act which it may be called upon to interpret. That may be a matter for private judgment. The duty of the court, and its only duty, is to expound the language of the Act in accordance with the settled rules of construction. I apprehend, as unwise to as it is unprofitable to cavil at the policy of an Act of Parliament, or to pass a convert censure on the Legislature. ... Those who find fault with the wisdom or expediency of the impugned Act, and with vexatious appearance of fundamental rights, normally must address themselves to the legislature, and not the court. They have their remedy at the ballot box.

[20] We adopt the same view. Thus, we see no merit in the submission made by learned counsel on this issue.

[21] Learned counsel for the appellant argued that the identity of the appellant ought to be strictly proved. He argued that the identification through a photo board was a primitive and weak form of identification, when in the present age there could be recourse to more advanced form of identification such as teleconferencing. We are of the view that identification through a photo board was sufficient enough for the purpose of identification of the appellant in an extradition proceeding.

In *R v. Governor of Pentonville Prison, ex parte Voets* [1986] 2 All ER 630, it was held by Lloyd J that:

> ... the photographs were admissible in the extradition proceedings because they were clearly relevant to prove identity ...

Lloyd J further held that:

> I should be most reluctant to be party to a decision that an identification parade is required in extradition cases. As I understand it, the practice has been to admit identification by photograph since at least the turn of the century: see *R v. Governor of Holloway Prison, ex p Siletti* [1902] 71 LJKB 935, [1900-3] All ER Rep 69. It has obvious advantageous of convenience. If there was anything unsatisfactory about the identification by photographs in the present case, then that was a matter for the magistrate. It was for him to decide whether the identification by photographs was sufficient to establish a *prima facie* case and not for this court.

[22] Similarly in the present case, if there was anything unsatisfactory about the identification by photo board, then that was a matter for the Sessions Court Judge. It was for him to decide whether the photo board was sufficient to establish the identity of the appellant and not for this court. In this case the Sessions Court was satisfied that the photo board together with the affidavit sworn by Mr Rayner, the officer in charge of the team of AFP officers investigating the alleged offences against the appellant, were in the view of the Sessions Court Judge sufficient to commit the appellant for trial in Australia. The High Court Judge was right in not interfering with the said decision. We have no reason to disagree.

[23] In conclusion we find that, the arrest and detention of the appellant in Sungai Buloh Prison under the custody and supervision of the respondent pursuant to the order of the Sessions Court Judge and the warrant of committal issued under s. 20 of the Extradition Act was carried out in accordance with the applicable laws. The applicant had failed to show any defect and/or irregularity on the part of the enforcement agency and the Sessions Court Judge in applying the procedure while dealing with this case.

[24] For the above reasons, we dismissed the appeal. We affirmed the order of the High Court in dismissing the application for writ of *habeas corpus* and accordingly we upheld the order granted by the Sessions Court Judge in detaining the appellant at the Sungai Buluh Prison pending the issuance of the order by the Minister for the appellant's extradition to Australia.